

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

SCOTT G. HARTMAN, ET AL.,)	Tennessee Claims Commission
)	No. 85209
Plaintiffs/Appellants,)	
)	
VS.)	Appeal No.
)	01A01-9804-BC-00196
UNIVERSITY OF TENNESSEE, ET AL.,)	
)	
Defendants/Appellees.)	

FILED

October 9, 1998

Cecil W. Crowson
Appellate Court Clerk

ORDER

The appellants, Scott Graham Hartman, Kay Hartman and Cleon Hartman, have filed a lengthy petition to rehear seeking revision of the decision of this Court that the proceedings and record did not support a judgment in favor of appellants for the benefit of alleged subrogees who were not parties to this cause before the Commission or to this appeal.

The brief of appellant concludes:

The Tennessee Claims Commission erred as a matter of law in holding that Hartmans’ claim did not also present BellSouth’s subrogation claim.

The opinion of this Court affirmed the denial of recovery by the Hartmans’ for their own benefit. (They had not sought recovery for the benefit of any alleged subrogees.) The opinion stated:

Moreover, the way is open for the third party subrogee to assert its rights, if any, in a separate claim to the Claims Commission.

The whole difficulty could have been avoided if the Hartmans’ had simply stated in their claim that it was presented on behalf of named subrogees, or had amended their claim to include such a statement. They did not do so, and the record on appeal fails to show that they ever paid any expense. Therefore, they are not entitled to recover anything in this proceeding for their own benefit, and they have not legitimately pursued the path that would entitle them to recover for the benefit of anyone else.

The petition to rehear is respectfully denied.

HENRY F. TODD, P.J., M.S.

BEN H. CANTRELL, JUDGE

WILLIAM B. CAIN, JUDGE